

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 28, 2006  
Tuesday, 9:41 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the February 14, 2006 meeting were approved 7 to 0.

CONSENT AGENDA**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 27, 2006.**

Bids were opened February 17, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

North Sanitary Sewer Pump Station and Main 15, Sanitary Sewer 23 – along Meridian from south of 53rd Street North to 61st Street North. (468-83682/744009/622083/480697/671118. Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Utility Contractors - \$7,111,940.00 (Alternate Bid)

Storm Water Drain #286 to serve Emerald Bay Estates Addition – south of 29th Street North, west of West Street. (468-84140/751417/485308). Does not affect existing traffic. (District V)

Pearson Excavating Inc. - \$399,810.00

2006 Contract Maintenance Asphalt Mill & Overlay Phase 1 – north of 13th Street North, west of Grove. (472-84372/131532/620447/\_665567). Traffic to be maintained during construction using flagpersons and barricades. (Districts I, V, VI).

Cornejo & Sons Construction - \$899,850.00 (Engineer's Estimate)

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Relocation Airport Rotating Beacon.

Atlas Electric LLC - \$265,335.05 (Group 1 Total Net Bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Adjustable Frequency Motor Drove, 200 HP.

Logic Inc. - \$57,520.00 (Group 1 Total Net Bid)

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PARK DEPARTMENT/MAINTENANCE DIVISION: Herbicides and Fertilizers.

UAP Timberland LLC - \$3,075.00 (Group 1 Total Net Bid)  
\$2,396.25 (Group 2 Total Net Bid)

Helena Chemical Co. - \$2,337.50 (Group 3 Total Net Bid )

Van Diest Supply Co.- \$ 2,441.76 (Group 4 Total Net Bid)

UAP Timberland LLC - \$5,120.50\* (Group 5 Total Net Bid)  
\*Winner by drawing

Lesco Inc. - \$3,011.06 (Group 6 Total Net Bid)

Helena Chemical Co. - \$2,696.56 (Group 7 Total Net Bid)  
\$ 510.00 (Group 8 Total Net Bid)  
\$8,531.15 (Group 9 Total Net Bid)

Van Diest Supply Co. - \$1,420.00\* (Group 10 Total Net Bid)  
\*Winner by drawing

Helena Chemical Co. - \$3,127.25 (Group 11 Total Net Bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Paving Breakers.

Wichita Tractor Co. - \$26,575.00 (Group 1 Total Net Bid)

VARIOUS DEPARTMENTS/DIVISIONS: Automotive & Commercial Batteries.

Allied Battery Supply Co.-\$66,851.50 \* (Group 1 Base Bid)  
<\$ 1,400.00>\* (Group 1, Option 1-Deduct)  
<\$ 9,800.00>\* (Group 1, Option 2-Deduct)  
0%\* (Group 1, Option - Discount)

\*Estimate – Contract approved on unit cost basis.

PARK & RECREATION DEPARTMENT/COMMUNITY FACILITY DIVISION: Cyberlocks.

SNC Inc. - \$49,050.00\* (Group 1 Total Net Bid)  
\*Increased quantities not to exceed award amount.

Motion-  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

## APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Kimberly A. Gibson	WBG, LLC dba Braeburn Golf Course at WSU*	4201 East 21st Street

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<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Stephen Diehl	Dillon Store #12	9450 East Harry
Stephen Diehl	Dillon Store #16	8828 West 12th Street
Stephen Diehl	Dillon Store #21	5500 East Harry
Stephen Diehl	Dillon Store #26	1227 South Hydraulic
Stephen Diehl	Dillon Store #30	2525 West Douglas
Stephen Diehl	Dillon Store #31	1640 South Broadway
Stephen Diehl	Dillon Store #33	4747 South Broadway
Stephen Diehl	Dillon Store #34	3432 West 13th Street
Stephen Diehl	Dillon Store #35	6297 East 13th Street North
Stephen Diehl	Dillon Store #42	4801 East Central
Stephen Diehl	Dillon Store #49	10222 West 21st Street North
Stephen Diehl	Dillon Store #56	3707 North Woodlawn
Stephen Diehl	Dillon Store #62	1435 North Waco
Stephen Diehl	Dillon Store #65	3214 South Seneca
Stephen Diehl	Dillon Store #66	2244 North Rock Road
Stephen Diehl	Dillon Store #72	10515 West Central
Stephen Diehl	Dillon Store #249	3418 North Maize Road
Rick W. Brazile	Wal-Mart Supercenter #1099	501 East Pawnee
Rick W. Brazile	Wal-Mart Supercenter #3492	14111 East Kellogg
Mark Branham	Quik Trip #315	1500 South Maize
Mark Branham	Quik Trip #396	324 South West

<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Steven T. Knolla Knolla's	Pizza East LLC*	7732 East Central Suite 123
Onesy Youthsavath	Buffet Delight, Inc.*	3205 East 31st Street

<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Saeed Mansouri	Aria Enterprises	5562 S. Seneca

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

## PRELIM ESTS.

## PRELIMINARY ESTIMATES:

- a) 2006 Sanitary Sewer Rehabilitation, Phase A - between 24th Street North and 47th Street South, & between Seneca and Rock Road. (468-84144/620450/666569) Traffic to be maintained during construction using flag persons and barricades. (District I, II, III, VI) - \$326,000
- b) 2006 Contract Maintenance Asphalt Bike Path Repair & Overlay - Bike Paths throughout Wichita. (472-84287/132719/) Traffic to be maintained during construction using flag persons and barricades. (District II, VI) - \$100,000
- c) Paving, Drainage and Water Improvements for Harry, from K-42 to Meridian (472-84001/706900/204366) Traffic to be maintained during construction using flag persons and barricades. (District IV) - \$1,400,000
- d) Lateral 5, Main 16, Four Mile Creek Sewer to serve Cross Pointe Addition - south of 21st Street North, east of Greenwich. (468-84044/744167/480855) Does not affect existing traffic. (District II) - \$130,000

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- e) Water Distribution System to serve Cross Pointe Addition - south of 21st Street North, east of Greenwich. (448-90083/735299/470970) Does not affect existing traffic. (District II) - \$86,000
- f) Triple Crown from the east line of Lot 12, Block 6, to the south line of Equestrian Estates Addition; Mustang Street, Mustang Court and Mustang Circle adjacent to Lots 24 through 44, Block 2; Equestrian Circle adjacent to Lots 45 through 54, Block 2; Equestrian Court, Equestrian Street and Equestrian Circle adjacent to Lots 16 through 30, Block 6 to serve Equestrian Estates Addition - south of Harry, east of 127th Street East. (472-83430/765969/490084) Does not affect existing traffic. (District II) - \$610,000
- g) Storm Water Drain #179 to serve Equestrian Estates Addition - south of Harry, east of 127th Street East. (468-83319/751410/485301) Does not affect existing traffic. (District II) - \$125,000
- h) Water Distribution System to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (448-90142/735292/470963) Does not affect existing traffic. (District II) - \$137,000
- i) Water Distribution System to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (448-90154/735297/470968) Does not affect existing traffic. (District II) - \$73,000.00
- j) Lateral 386 Four Mile Creek Sewer to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (468-84102/744162/480850) Does not affect existing traffic. (District II) - \$164,000
- k) Lateral 388 Four Mile Creek Sewer to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (468-84104/744163/480851) Does not affect existing traffic. (District II) - \$530,000
- l) Sanitary Sewer Improvements in Central, from Woodlawn to Rock Road (468-83729/620341/662464) Traffic to be maintained during construction using flag persons and barricades. (District II) - \$538,000
- m) Cost of Lateral 21, Main 19 Southwest Interceptor Sewer to serve North Ridge Village Addition (District V) (468-83977/744126/480-814) – Total Estimated Cost \$150,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## DEEDS/ESMNTS

### DEEDS AND EASEMENTS:

- a) Utility Easement dated January 12, 2006 from Prairie View Inc., a Kansas not for profit corporation, located over a portion Lot 5, Block 1, Legacy Park Wilson Estates 2nd, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City.
- b) Utility Easement dated January 25, 2006 from Wichita West RE, LLC, located over a portion Lot 2, Block 1, Newmarket Square Phase II, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City.
- c) Public Utility Easement dated December 30, 2005 from Delbry Development LLC, located over a portion Lots 11 and 12, Block A, Killarney Plaza East, an Addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City.
- d) Utility Easement dated December 30, 2005 from Brighton Courts, LLC, a Kansas Limited Liability Co. located over a portion of Lots 16 and 17, Block 1, Brighton Courts Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City.

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- e) Utility Easement dated December 30, 2005 from C.V.C. Wichita Associates, L.L.C. a Kansas Limited Liability Co. located over a portion of Lot 5, Block 1, Legacy Park Wilson Estates Addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City.
- f) Drainage and Utility Easement dated December 30, 2005 by COF, LLC, a Kansas limited liability company located over portions of Lots 3 and 4, Block 1, North Ridge Village Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No Cost to City.
- g) Dedication dated November 29, 2005 from Kansas Bait & Tackle, LLC, a Kansas limited liability company AND ALSO, COF, LLC, a Kansas limited liability company located over a portions of Lots 4 and 5, Block 1, North Ridge Village Addition, an addition to Wichita, Sedgwick County, Kansas (OCA#607861) No Cost to City.
- h) Utility Easement dated January 20, 2006 from Slawson East Inc., a Kansas Corporation of the first part, located over a portion of Lot 6, Block 1 in Cross Pointe, and an addition to Wichita, Sedgwick County, and Kansas (OCA # 744167) No Cost to City.
- i) Sanitary Sewer Easement dated February 3, 2006 from Suzanne L. Nail and Larry J. Nail, Jr., located over a portion Lot 18, Block D, McEvoy Addition, Sedgwick County, Kansas (OCA #744132) No Cost to City.
- j) Sanitary Sewer Easement dated February 3, 2006 from Dennis A. Comstock and Sharon L. Comstock, located over a portion Lot 12, Block D, McEvoy Addition, Sedgwick County, Kansas (OCA #744132) No Cost to City.
- k) Sanitary Sewer Easement dated January 4, 2006 from Eugene M. Hirsch, Jr. and Carol S. Hirsch, located over a portion Lot 9, Block D, McEvoy Addition, Sedgwick County, Kansas (OCA #744132) No Cost to City.
- l) Sanitary Sewer Easement dated January 6, 2006 from Rodney A. Voth, located over a portion Lot 19, Block D, McEvoy Addition, Sedgwick County, Kansas (OCA #744132) No Cost to City.
- m) Sanitary Sewer Easement dated January 5, 2006 from Robert A. & Raye Lea Beardslee, located over a portion Lot 13, Block D, McEvoy Addition, Sedgwick County, Kansas (OCA #744132) No Cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENTS:

#### N. RIDGE VALLEY

#### CONSTRUCT A SANITARY SEWER IN NORTH RIDGE VILLAGE ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)

Agenda Report No. 06-0178

On March 22, 2005, the City Council approved a Petition to construct a sanitary sewer in North Ridge Village Addition. The developer has submitted a new Petition that increases the project budget to accommodate two change orders. The change orders are needed because work was suspended on the project due to delays in receiving a required wildlife permit and because additional risers are needed to serve new buildings within the Addition. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new office park located north of 37th St. North, west of Ridge.

The existing Petition totals \$211,310. The new Petition totals \$235,310. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-092

Resolution of findings of advisability and Resolution authorizing construction of Lateral 211, Main 19, Southwest Interceptor Sewer (north of 37<sup>th</sup> Street North, west of Ridge) 468-83977, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### WATER DISTRIB.

#### **WATER DISTRIBUTION SYSTEM FOR AN UNPLATTED TRACT LOCATED WEST OF GREENWICH, SOUTH OF 21ST STREET. DISTRICT II)**

Agenda Report No. 06-0179

The Petition has been signed by one owner representing 100% of the improvement district.

The project will serve an unplatted commercial tract located west of Greenwich, south of 21st Street.

The Petition totals \$5,400. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-093

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90176 (west of Greenwich, south of 21<sup>st</sup>) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### EBERLY FARMS

#### **CONSTRUCT A SANITARY SEWER IN EBERLY FARMS ADDITION, EAST OF 135TH STREET WEST, SOUTH OF 21ST STREET. (DISTRICT V)**

Agenda Report No. 06-0180

On November 1, 2005, the City Council approved a Petition to construct a sanitary sewer in Eberly Farms Addition. An attempt to award a contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new office park located east of 135th St. West, south of 21st Street.

The existing Petition totals \$86,630. The new Petition totals \$97,630. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

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Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-094

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 3, Northwest Interceptor Sewer (east of 135<sup>th</sup> St. West, south of 21<sup>st</sup>) 468-84109, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Employees' Retirement Board, Regular Board Meeting, November 16, 2005  
Police & Fire Retirement System, Regular Board Meeting, December 21, 2005  
Wichita Employees' Retirement Board/ Police & Fire Department Retirement Board  
District III Advisory Board, January 4, 2006  
Joint Investment Committee, January 5, 2006  
District II Advisory Board, January 9, 2006  
District VI Advisory Board, January 9, 2006  
Board of Code Standards and Appeals, January 9, 2006  
Design Council, January 18, 2006

Motion--carried

Mayans moved to receive and file. Motion carried 7 to 0.

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

## CLAIMS

### REPORT ON CLAIMS ALLOWED FOR JANUARY 2006:

<u>Name of Claimant</u>	<u>Amount</u>
Fulton, Richard	\$2,172.46
Goff, Julie	\$428.99
Hedrick, Judy	\$7,881.01
Kitchen, Kenneth	\$92.50
Magic Touch Auto Center	\$350.00
Morgan, Sarah	\$1,084.14
Turner, Sarah	\$1,645.20
Weber, John	\$880.00

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

## TYLER'S LANDING

### RESPREAD ASSESSMENTS, TYLER'S LANDING THIRD ADDITION, SOUTH OF 37TH STREET NORTH, EAST OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 06-0181

The landowner, R&R Realty, LLC, has submitted an Agreement to respread special assessments within Tyler's Landing 3rd Addition.

The land was originally included in an improvement district for sanitary sewer main and storm water drain projects. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvements more fairly. Without the Agreement, the assessments will remain spread on a square foot basis.

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There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## WORKER'S COMP.

### CONTRACT FOR WORKER'S COMPENSATION MEDICAL SERVICES.

Agenda Report No. 06-0182

As required by State law, the City of Wichita provides medical treatment for City employees injured on the job. This treatment is coordinated through a contracted medical services provider.

Staff began the process to select a medical services provider in the spring of 2005. A competitive Request for Proposal (RFP) was prepared and issued by Purchasing. A total of five responses were received. A Staff Screening and Selection Committee was convened, with representatives from the Law, Fire, Police, Finance, City Manager, Park and Public Works Departments. The Selection Committee selected the top three firms and scheduled detailed interviews. On the basis of the detailed interviews, the discounts offered from the Kansas Workers Compensation Fee Schedule, the service locations, the return to work philosophy and the treatment philosophy, the Selection Committee unanimously recommended Via Christi Rehabilitation Center, Inc.

Performance standards were subsequently developed by City staff and presented to all City labor groups for their review and input. The performance standards have been included in the recommended medical services contract. These standards are designed to ensure that injured City employees are treated promptly and that enhanced efforts are made to provide work status reports and long-term treatment plans for the benefit of both the employee and the employer.

The City Workers Compensation 2006 adopted budget includes a total of \$1.8 million for medical treatment of City employees injured on the job. Most of those expenditures are made through the medical services contract, although lesser amounts are spent on pharmaceuticals, hospitals and other service providers. The estimated contract value of the Via Christi contract is \$1 million dollars. All payments will be made at a rate not to exceed the current Worker's Compensation Schedule of Medical Fees set forth under K.S.A. 44-501i and the rates contained in their formal proposal to the City, as applicable.

The contract has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the contract with Via Christi Rehabilitation Center, Inc for one (1) year, with an option to renew for up to four additional one-year terms be approved and the necessary signatures authorized. Motion carried 7 to 0.

## K-96 BYPASS

### 13TH STREET NORTH FROM K-96 BYPASS TO 159TH STREET EAST. (DISTRICT II)- SUPPLEMENTAL.

Agenda Report No. 06-0183

On January 24, 2006, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing utility adjustments, relocations and extensions in advance of Sedgwick County paving 13th Street from K-96 to 159th Street East. The work to be done by PEC included the design of sanitary sewers and water lines along portions of 13th Street. The fee was \$43,500.

PEC has been asked to design the 16" water main along the portion of 13th Street adjacent to the Stone Bridge Addition, which is now being platted. The Platting Engineer for Stone Bridge Addition suggested that to speed the design along, they were in support of having PEC do the water line design



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as part of their other water line work along 13th Street. By having PEC include that portion of water line design the result will be a single water line project for the full mile of 16" water line from east of 143rd Street East to 159th Street East. A supplemental agreement has been prepared to authorize payment for the additional design work.

Payment to PEC for the Supplemental Agreement will be made on a lump sum basis of \$5,500 and will be paid by Water and Sewer Utility.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## AUBURN HILLS

### **CONSTRUCTION ENGINEERING AND STAKING IN AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, EAST OF 151ST STREET WEST. (DISTRICT V)-SUPPLEMENTAL.**

Agenda Report No. 06-0184

The City Council approved the water distribution system and sanitary sewer improvements in Auburn Hills 16th Addition on November 1, 2005. On January 10, 2006 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and staking for this project.

Payment to Baughman will be on a lump sum basis of \$21,210 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## MAPLE & RIDGE

### **THE INTERSECTION OF MAPLE AND RIDGE. (DISTRICT V)-SUPPLEMENTAL.**

Agenda Report No. 06-0185

On April 6, 2004, the City entered into an agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to the intersection of Maple and Ridge. The fee was \$57,500. On October 4, 2005, the City approved Supplemental Agreement No. 1 to design plans for the removal and replacement of additional pavement and storm water sewer outside the original project limits. The fee was \$14,400.

The original scope was to provide design for rehabilitation and bituminous overlay of the existing pavement in the intersection. MKEC has been asked to revise the design, and prepare plans for the full removal and replacement of the concrete pavement in the intersection. The proposed Supplemental Agreement provides for the additional design services.

Payment to MKEC will be on a lump sum basis of \$16,500, and will be paid by General Obligation Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## OLD TOWN

### AESTHETIC IMPROVEMENTS IN OLD TOWN. (DISTRICT VI)

Agenda Report 06-0186

Old Town was established in the early 1990's as a retail and entertainment district. Continued development has resulted in increases in the number of visitors, businesses, and property valuations. Old Town has developed into a unique, regional attraction.

As a destination area, aesthetic considerations are critical to maintaining and improving the attractiveness of Old Town. Recently the City was approached by the Old Town Association (OTA) about making improvements in the area to enhance the visual appeal and visitor experience in Old Town.

The OTA would like to pursue several projects in 2006. Specific improvements would include:

- Additional electrical work to improve the holiday lighting connections and circuitry;
- Pigeon control features;
- Bike racks;
- Banners for holidays and special events;
- Historic marker plaques for self-guided tours; and
- Doggy bag dispensers.

The OTA will utilize their existing relationships with building owners and tenants (many of whom are OTA members) to expedite the projects.

Additionally, the City would pursue several projects in Old Town. The specific projects are:

- Construction of public restrooms and installation of drinking fountains;
- Landscaping improvements, to include lighting, trash enclosures and brick/concrete repair;
- Directory kiosks; and
- Security lighting for parking lots, and security cameras in the Hotel at Old Town parking garage.

All improvements and amenities would be consistent with existing development in the Old Town and Downtown areas.

Funding for the improvements are available in the Old Town Tax Increment Financing (TIF) Fund, and will be cash-funded. The TIF is current as to debt service payments, and future annual revenue streams are projected to continue to fully fund future annual debt service requirements. Access to the TIF funds will require budget transfers within the TIF. The cost of the agreement with OTA will not exceed \$250,000. All payments to the OTA will be made on a reimbursement basis, as they complete the various improvement projects listed above. The cost of the City-managed projects will not exceed \$675,000.

The Law Department has approved the agreement with the Old Town Association as to legal form.

Motion--  
--carried

Mayans moved that the agreement be approved; the budget transfers authorized and the necessary signatures authorized. Motion carried 7 to 0.

## EQUUS BEDS

### EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT, PHASE 1.

Agenda Report No. 06-0187

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project for \$798,532.

Nov. 5, 2002, City Council approved Supplemental Agreement No. 1, for additional archeological services necessary to evaluate the impact of the discovery of a prehistoric artifact.

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March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

April 1, 2003, City Council approved Supplemental Agreement No. 3 to allow drilling of additional test holes at the proposed sites for recharge basins.

May 25, 2004, City Council approved Supplemental Agreement No. 4 to drill two additional test wells at alternative sites for diversions wells that appeared to have better water quality.

August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

March 8, 2005, City Council approved Supplemental Agreement No. 5 that included services to conduct a shallow aquifer test and other services associated with obtaining appropriations from the state.

July 12, 2005, City Council Approved Supplemental Agreement No. 6 that included services to conduct a full scale aquifer test at one of the proposed diversion well sites, and Supplemental Agreement No. 7 that included engineering services to upgrade the electrical system in the Equus Beds Wellfield.

November 1, 2005, City Council approved Supplemental Agreement No. 8 to build a full scale well and perform pump tests at a diversion site with an appropriation from the state.

December 6, 2005, City Council approved Supplemental Agreement No. 9 to design a river intake and a powdered activated carbon feed facility.

To comply with the requirements established by the Groundwater Management District and the state for each diversion well, a well must be constructed and tested. Supplemental Agreement No. 10 includes the cost of drilling two diversion wells (thereby reducing the cost of the construction phase by that amount) and the engineering services to observe construction of the wells, conduct the pump tests and analyze the results. The wells will have a water appropriation from the state and will be used as diversion wells for the permanent diversion and recharge facilities. Conducting test pumping will help assure that the City will be constructing facilities that meet its needs and that comply with regulatory requirements.

This phase of the ASR project evolved into several construction projects. To provide appropriate inspection for the projects, Staff determined the best course of action is to obtain field inspection services for them independent from the design of the projects. Therefore, the City will not be entering into a supplemental agreement with Burns & McDonnell to provide inspection services for the facilities. However, with the separation of field inspection services, there remain engineering activities that are best provided by the design engineer. These include review of shop drawings, coordination with inspectors regarding questions concerning the intention of the design, attendance of construction progress meetings and attendant services. Supplemental Agreement No. 11 is to provide the ancillary engineering services needed during construction.

The cost for the drilling and testing the diversion wells (Supplemental Agreement No. 10) will not exceed \$494,700, and the cost of engineering services associated with construction of the Phase I ASR facilities (Supplemental Agreement No. 11) will not exceed \$363,361. Funding for this project is included in CIP W-549, Water Supply Plan Phase III, which has available funding of over \$25 million in 2006.

The Law Department has reviewed and approved Supplemental Agreements No. 10 and No. 11 as to form.

Motion--  
--carried

Mayans moved that the Supplemental Agreements No. 10 and No. 11 with Burns & McDonnell be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## CLIFTON COVE

### CLIFTON COVE ADDITION, SOUTH OF 63RD STREET SOUTH, WEST OF CLIFTON. (DISTRICT III)

Agenda Report No. 06-0188

The City Council approved the sanitary sewer improvements in Clifton Cove Addition on November 15, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of sanitary sewer in Clifton Cove Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$35,800 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## FONTANA ADD.

### FONTANA AND FONTANA SECOND ADDITION, EAST OF 119TH STREET WEST, NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 06-0189

The City Council approved the paving improvements in Fontana & Fontana 2nd Additions on November 22, 2005.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of paving in Fontana & Fontana 2nd Additions. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$68,000 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## SWITCHGEAR

### SEWAGE TREATMENT PLANT ONE SWITCHGEAR REPLACEMENT.

Agenda Report No. 06-0190

Shelley Electric, Inc. was awarded a Contract in the amount of \$410,500 for the replacement of the electrical switchgear and associated conduit and wire at Sewage Treatment Plant 1.

Change Order No. 1 is a combination of five (5) proposed contract modifications (PCMs) for the plant 1 project. All of the PCMs reflect work that provided an added value to the City.

This Change Order is part of Plant 1 Improvements, CIP S-523. The additive modifications result in a net increase to the Contract of \$23,828 representing a 5.8 percent increase. There are no deductive changes associated with this project. The project has been completed and there will be no additional changes associated with this project.

Law has reviewed the Change Order and approved it as to form.

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Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## **PLANT ONE MOD.**

### **SEWAGE TREATMENT PLANT ONE MODIFICATIONS.**

Agenda Report No. 06-0191

Utility Contractors, Inc. was awarded a Contract in the amount of \$3,744,000 for construction of new structures and the rehabilitation of old structures and equipment at Sewage Treatment Plants 1 and 2. The addition of Change Order Nos. 1 and 2 brought the Contract amount to \$4,101,522.

Change Order No. 3 is a combination of seventeen (17) proposed contract modifications (PCMs) for the plant 1 project and a settlement for damages paid by the City for a pump station backup that occurred March 29, 2003. All of the PCMs reflect either a reduction in cost, or added value to the City.

This Change Order is part of Plant 1 Improvements, CIP S-523. The proposed modifications in this Change Order result in a net decrease of \$76,572. This Change Order includes deductive contract modifications amounting to \$106,515 and additive contract modifications of \$103,162. The damage settlement represents a cost of \$56,860.

The revised Contract, after this change is applied, will be \$4,024,950, which is \$280,950 more than the original Contract. Contract changes represent a 7.5 percent increase. The project has been completed and no additional changes are expected.

Law has reviewed the Change Order and approved it as to form.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **MERIDIAN IMPROV.**

### **MERIDIAN IMPROVEMENT BETWEEN 31ST STREET SOUTH AND PAWNEE. (DISTRICT IV)**

Agenda Report No. 06-0192

On May 17, 2005, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Meridian, between 31st St. South and Pawnee. During construction of the project, a number of unforeseen items developed that should be addressed as a Change Order:

Existing pedestrian signals were in worse condition than expected. New signals were installed at a new location more accommodating to current pedestrian patterns. \$29,170

The amount of drive approaches needed to serve adjacent businesses and homes was greater than expected. \$13,128

Additional riprap, storm sewer pipe, storm sewer inlets and retaining wall were needed to properly drain adjacent properties. \$12,369

Adjustments to avoid utility conflicts and add two water service connections. \$1,870

Add wheelchair ramps to comply with the Americans with Disabilities Act. \$1,000

The additional items are partially offset by \$12,209 in under runs of bid items.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

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The cost of the additional work is \$45,328, with the total paid by a combination of City-at-Large (\$9,066) and Federal Grants administered by the Kansas Department of Transportation (\$36,262). The original contract amount is \$2,696,010. This Change Order represents 1.68% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## SHADOW WOODS

### **STREET PAVING IN SHADOW WOODS ADDITION, WEST OF 135TH STREET WEST, NORTH OF MAPLE. (DISTRICT V)**

Agenda Report No. 06-0193

On August 23, 2005, the City Council approved a contract with APAC-Kansas, Inc. for street paving in Shadow Woods Addition, located west of 135th St. West, north of Maple. The developer of the subdivision has requested that the street grading plan be modified to accommodate a change in his lot-grading plan.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The cost of the additional work is \$15,684 with the total paid by special assessments. The original contract amount is \$276,305. This Change Order represents 5.68% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## NORTHRIDGE PLZA

### **WATER DISTRIBUTION SYSTEM IN NORTHRIDGE PLAZA ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)**

Agenda Report No. 06-0194

On October 4, 2005, the City Council approved a contract with Dondlinger & Sons, Inc. to construct a water distribution system in Northridge Plaza Addition, located north of 37th St. North, west of Ridge. Modifications to the project were needed to extend the water distributions system to serve additional properties. Additional pipe and fire hydrants were added.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The cost of the additional work is \$13,590 with the total paid by special assessments. The original contract amount is \$159,578. This Change Order represents 8.52% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

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**PROPERTY ACQ.      MT. VERNON FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT.**  
**(DISTRICT III)**

Agenda Report No. 06-0195

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 3912 East Mt. Vernon. The site consists of 11,575 square feet and is improved with a 1,628 square foot brick, ranch single-family residence.

The appraised value of \$120,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$125,750 is requested. This includes \$120,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

**PROPERTY ACQ.      FOUR ACRE PERMANENT EASEMENT FOR INTEGRATED LOCAL WATER SUPPLY**  
**PLAN. (HARVEY COUNTY)**

Agenda Report No. 06-0196

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. Twenty of the twenty-two easements have been secured. This specific site consists of four acres and will be used for the process intake and treatment plant, pump house and residual storage facility. Monitoring wells will also be installed. The property owner has agreed to convey said easement in exchange of \$40,000.

A budget of \$40,750 is requested; this includes \$40,000 for acquisition and \$750 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

The Law Department has approved the contracts as to form.

Motion--  
--carried

Mayans moved that the Budget and the permanent easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## PROPERTY ACQ.

### UTILITY EASEMENT AT 2121 NORTH 135TH STREET WEST FOR THE NORTH AREA SEWER PROJECT. (DISTRICT V)

Agenda Report No. 06-0197

On October 21, 2003, the City Council approved the construction of force mains; pump stations and gravity-flow sewer lines to serve northwest Wichita. The project requires the acquisition of easements on several tracts of land. The proposed parcel is the last of all the necessary easements on this project.

The project requires the acquisition of a 2,600 square feet permanent easement across the east 40 feet of the southern portion of the parcel located at 2121 North 135th Street West. A temporary easement consisting of 2,275 square feet is also required. The easement and temporary construction easement were valued at \$3,100, of which \$600 is damages to trees and landscaping. This amount was offered to the property owner and accepted.

A budget of \$3,600 is requested for the acquisition. This amount includes \$3,100 for the acquisition and \$500 for closing costs and title insurance. The funding source is the sewer utility.

The Law Department has approved the contact as to form.

Motion--  
--carried

Mayans moved that the budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### PUMPING STATION SITE FOR INTEGRATED LOCAL WATER SUPPLY PLAN.

Agenda Report No. 06-0198

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

The sites identified as necessary for the capture of above base flow water, locations for water treatment facilities, recharge/recovery wells, and recharge basins have been purchased. A location has been identified as a site for water treatment plant for the recharge project. The parcel contains approximately 65 acres. The plant will be designed and built in two-to-three years. The plant will not utilize the entire parcel. After determination of facility size and location, the remainder of the site will be resold. The property was listed for sale for \$1,800 per acre. The owner has agreed to sell the site for \$1,700 per acre.

A budget of \$120,000 is requested; this includes \$110,500 for acquisition, \$5,000 for survey and \$500 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

The Law Department has approved the contracts as to form.

Motion--  
--carried

Mayans moved that the Budget be approved and the necessary signatures authorized. Motion carried 7 to 0.



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## **NARCOTIC SEIZURE NARCOTIC SEIZURE FUND BUDGET.**

Agenda Report No. 06-0199

The Wichita Police Department has utilized the Narcotic Seizure Fund for approximately a decade to fund various Police operations. The Narcotic Seizure Fund consists of monies from federal, state, and other agencies obtained as a result of investigations into illegal enterprises such as the possession and sale of narcotics. After the judicial process is completed, the funds are awarded to the Department. The Wichita Police Department adheres to stringent state and federal guidelines in accounting for and using the Narcotic seizure funds. In addition, the Wichita Police Department has received \$114,085.22 as reimbursement revenue from the DEA for expenses incurred during narcotics investigations.

The budget for the Narcotic Seizure Fund is adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Federal and state regulations require separate accounts for assets forfeited under different forfeiture programs.

The Police Department recommends a project expenditure budget of \$114,085.22 for investigation expenditures from the DEA Reimbursement account. As of December 31, 2005, the Narcotic Seizure Fund totaled \$140,597. The following budget is recommended for 2006:

<u>Budgeted Item</u>	<u>Amount</u>
Undercover buy money	\$ 29,000
Undercover vehicle maintenance/operations	50,000
Undercover fleet replacements	20,000
Law enforcement training	5,000
Tokens	25,000
Annual audit	3,000
Contingency/fund reserve	8,597
Total	\$140,597

Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibits supplanting local funds with forfeited assets.

Motion--  
--carried

Mayans moved that the budget for the Narcotic Seizure Fund be adopted and the expenditures from the DEA Reimbursement account be authorized. Motion carried 7 to 0.

## **VACANT LOT**

### **SALE OF VACANT LOT IN THE 800 BLOCK OF NORTH SPRINGDALE. (DISTRICT II)**

Agenda Report No. 06-0200

The Crestview Country Club Interceptor Sewer project required the construction of an interceptor sewer line across Crestview golf course. At its east end, the line crosses 143rd Street and tied into the existing interceptor line. A 25-foot permanent easement across the platted lots was required to reach 143rd Street. The houses in the area are large compared to the lots, making it very difficult to place a 25-foot wide easement without impacting improvements. This, coupled with elevations, made the undeveloped lot in the 800 block of Springdale the optimum choice. One of the last undeveloped parcels adjoining the Crestview golf course was in the 800 Block of North Springdale.

The city negotiated and purchased the lot. At that time, October 26, 2004, Wichita City Council approved the transaction and the resale of the lot. With the project completed and the surface restored, the lot has been listed for sale on the open market. There were a number of inquires and five offers to purchase were made. The highest offer received is \$55,250. This will be a cash transaction offsetting the acquisition cost of the lot.

The funds received from this transaction will go to Water and Sewer. This property will go back onto the tax roll.

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The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the disposition be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## CONDEMNATIONS

### **REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, II AND VI)**

Agenda Report No. 06-0201

On February 6, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on the following nine (9) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Violation notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 1218 North Cleveland	I
b. 1316 North Kansas	I
c. 1456 North Piatt	I
d. 1513 North Grove	I
e. 2105 North Minnesota	I
f. 2547 Raleigh	I
g. 1627 South Lulu	I
h. 3003 North Salina	VI
i. 15300 East Kellogg (U.S. 54)	II

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--  
--carried

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on April 11, 2006 at 9:30 a.m. or as soon thereafter be adopted.  
Motion carried 7 to 0.

## 2006 BLOCK GRANT

### **2006 COMMUNITY SERVICES BLOCK GRANT APPLICATION.**

Agenda Report No. 06-0202

The Community Services Block Grant (CSBG) is a federal program targeted to the needs of the low-income. Funds are awarded by formula to Community Action Programs (CAPs) throughout the state. The City of Wichita has been a CAP and received CSBG funds since the mid-1970's. The Career Development Division of the General Government Department administers the CSBG program locally.

An annual application is required for receipt of the CSBG funds. Activities in the application include the prescription drug component of Project Access, support of the Neighborhood City Halls, summer day care and recreation for children of low-income families through the Park Department's Summer of Discovery, and neighborhood clean-ups. The total grant amount is \$990,358, a 2.5% reduction from the 2005 grant due to reductions in the federal allocation.

No general operating funds from the City's budget are obligated by the application.

The CSBG Review Committee met on February 8, 2006 to consider the Application and voted unanimously to recommend approval by the City Council.

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Motion--  
--carried

Mayans moved that the 2006 CSBG application be approved and the necessary signatures authorized. Motion carried 7 to 0.

## JUSTICE GRANT

### JUSTICE ASSISTANCE GRANT.

Agenda Report No. 06-0203

The City of Wichita Police Department and Sedgwick County Sheriff's Office have received notification they are eligible to receive 2006 Justice Assistance Grant (JAG) funding. The JAG funding replaces the previous Local Law Enforcement Grant and Byrne Grant funding. The City of Wichita and Sedgwick County are required to submit a joint application for JAG funding, specifying the amount of the funds that are to be distributed to each of the units of local government and the purposes for which the funds will be used. The City of Wichita and Sedgwick County are eligible for a total of \$239,849 in federal funding, to be shared equally at \$119,925 each. Sedgwick County will be the applicant/fiscal agent for the joint funds.

Prior to beginning the JAG application process, a Memorandum of Understanding, MOU< will be signed by both Sedgwick County and City of Wichita officials, outlining the administration and distribution of the grant funds. The Sedgwick County Commission will hold a public hearing for the joint JAG application on March 1, 2006, allowing public comment by citizens. The Wichita Police Department will use their share of the JAG funding for Law Enforcement purposes to ensure a Safe and Secure Community.

The City of Wichita will receive \$119,925 in 2006 Justice Assistance Grant funding. There is no local match requirement.

40,000	Overtime
15,000	Lease vehicles-Field services
25,000	Police equipment
30,000	KADR (KS Adult Disposition Report)
9,925	Travel Bomb Squad
119,925	Total

The required Memorandum of Understanding will be reviewed by the Law Department

Motion--  
--carried

Mayans moved that the MOU be approved and the necessary signatures authorized. Motion carried 7 to 0.

## AERIAL PHOTO.

### AERIAL PHOTOGRAPHY SERVICES UPDATE.

Agenda Report No. 06-0204

In a joint purchasing cooperative effort, Sedgwick County and the City of Wichita accepted proposals for Aerial Photography Services on December 23, 2005. With the high growth in Wichita over the past few years, new aerial photography is necessary to replace existing aerial photography. Aerial photography is typically updated once every three years and serves as the base layer from which all other Geographic Information System (GIS) layers are created and maintained. There are many GIS users throughout the City who access the aerial photography on a daily basis. City departments also use aerial photography for a variety of projects and presentations.

Maintaining up-to-date aerial photography is critical for the Water & Sewer Department for mapping and planning for future growth. The Planning Department also has an interest in aerial photography for specific areas adjacent to Wichita, as required by Federal Mandate to participate in the Metropolitan Planning Organization. Current aerial photography provides advantages such as studies of growth and areas requiring transportation adjustments.

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The standard City of Wichita Selection Committee, including Water and Sewer and Sedgwick County representatives, reviewed all proposals considering the criteria within the Request for Proposal and selected three consultants to be interviewed by phone. Kucera International's proposal met all of the evaluation criteria; therefore, Kucera International Inc. was selected for the Aerial Photography Services.

The total expenditure for these services will be \$125,735. The City of Wichita will contribute a total of \$86,320, and will fund the project as follows: \$85,754 from Water Utility revenues and reserves, and/or a future revenue bond issue, through CIP W-599, Aerial Photography and Orthophotos; and \$566 for areas in Sumner County for the Metropolitan Area Planning Department through a Kansas Department of Transportation grant funding the 2006 Unified Planning Work Program. Sedgwick County will fund \$39,415 for Aerial Photography in the County.

The Law Department will review the Contract and Resolution and approve them as to form.

Motion--  
--carried

Mayans moved that the Contract with Kucera International Inc. be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-095

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed one hundred fifty thousand dollars (\$150,000) exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## CENTRAL PLAINS

### CENTRAL PLAINS REGIONAL HEALTH CARE FOUNDATION CONTRACT AMENDMENT.

Agenda Report No. 06-0205

The City contracts \$300,000 in federal Community Services Block Grant (CSBG) funds annually to the Central Plains Regional Health Care Foundation, Inc. to provide prescription drugs to the area's low-income residents as part of the Foundation's Project Access. The Foundation has requested that \$40,000 of the existing contract be re-budgeted to pay a portion of salary expenses for two service coordinators to help patients receive donated health care services and prescription assistance. The balance of the cost for these positions will be paid through a grant from United Way of the Plains.

Project Access' CSBG funding has remained constant at the \$300,000 level for four years, despite rising drug costs. Since the program start in 1999, the staff has arranged in-kind services totaling:

Physicians	\$13,712,249
Hospitals	\$32,709,670
Pharmaceuticals	\$ 1,159,688 (since late 2003)
TOTAL	\$47,581,607

Based on its leverage history, Project Access estimates a return of \$75 in donated services and drugs for every \$1 spent on staff.

No general operating funds from the City's budget are committed in this contract. This is a request to re-budget \$40,000 in federal grant funds already contracted from prescription drugs to staff salaries. No additional funds are being requested.

The City's Law Department has reviewed the amendment and approved as to form.

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Motion--  
--carried

Mayans moved that the amendment be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## CMAQ GRANTS

### **RESOLUTION AUTHORIZING SECTION 5307, 5316, 5317 AND CMAQ GRANTS FROM THE FEDERAL TRANSPORTATION ADMINISTRATION (FTA).**

Agenda Report No. 06-0206

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's transit services for CY2006 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment - \$3,467,714), New Freedom initiative (pursuant to Section 5317 - \$99,867), Access To Jobs (pursuant to Section 5316 - \$183,743) and projects to mitigate air pollution in the City of Wichita (pursuant to CMAQ - Congestion Mitigation Air Quality funds - \$124,000). The authorized total federal apportionment for FY2006 is \$3,875,324. A public hearing was held on January 30th, 2006, with no adverse comments. Section 5307 and CMAQ grants are 80% federal and 20% local match programs, while Section 5316 and Section 5317 grants are 50% federal and 50% local match programs.

The proposed Resolution authorizes funding to support the following:

- Safety and Security programs;
- New Freedoms initiatives;
- Maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- Special Services, including ADA operating expenses, and purchased services;
- Planning and training activities;
- Pass through funding for urbanized area operators (Sedgwick and Butler Co., Park City, Derby/Haysville) for planning and preventive maintenance and the purchase of one van;
- Congestion Management Air Quality (CMAQ) shuttle and rideshare projects to mitigate air pollution; and
- Access To Jobs funds for low-income clients to get to and from work.

The total grant budget is \$5,356,837; federal share is \$3,875,324. The local share will be split between the City of Wichita (\$995,513), KDOT (\$411,000), and other local, Non-City of Wichita, funds (\$75,000). All City of Wichita funds are programmed into the CY 2006 budget.

The Law Department has reviewed and approved the Resolution as to form.

Motion--  
--carried

Mayans moved that the Resolution be adopted and the necessary signatures authorized.  
Motion carried 7 to 0.

### RESOLUTION NO. 06-096

A Resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23, and other federal statutes administered by the Federal Transit Administration to support FY 2006 Section 5307, Section 5316, Section 5317 and CMAQ projects, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## AVIATION TECH.

### **U.S. ECONOMIC DEVELOPMENT ADMINISTRATION APPLICATION FOR AVIATION TECHNICAL CENTER FUNDING.**

Agenda Report 06-0207

During the last year, a team of public and private sector professionals have been working on the concept and design of the Aviation Technical Center, to be located on vacant land at the City's Jabara Airport.

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The February 7, 2006 City Council workshop included an update on the project. Funding of the project will be a combination of federal, state, local, and private investments, with Sedgwick County responsible for the debt service and operational costs.

In November, 2005, the South Central Kansas Economic Development District (SCKEED), acting on behalf of the partners, submitted a funding pre-application for \$1.5 million to the U.S. Economic Development Administration (EDA), to pay a portion of the project's design, site work, construction, and administrative fees. SCKEDD received approval in January to proceed with the complete application, which is due March 1, 2006.

The complete application is being written by project team members and will be completed by February 27. Although the application will include projections for the balance of the project funds, the City will affirm its commitment at a later date.

Finance Department staff is preparing options for the City's financial commitment for a Council presentation in mid-March. Sedgwick County is taking responsibility for financing the project.

The Law Office will review the complete application prior to the Mayor's signature. SCKEDD will be responsible for administering the EDA grant.

Motion--  
--carried

Mayans moved that the application be approved and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ FEBRUARY 14, 2006)**

- a) Harry Street Improvement from K-42 Highway to Meridian. (District IV)

#### ORDINANCE NO. 46-894

An Ordinance amending Ordinance No. 46-668 of the City of Wichita, Kansas declaring Harry Street, between K-42 Highway and Meridian (472-84001) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) Street Performers.

#### ORDINANCE NO. 46-895

An Ordinance creating Chapter 10.36, pertaining to street performers and amending Section 5.48.040 and repealing the original of same pertaining to loitering of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) A06-6R-Request by Ronald J. Cornejo, of R.R.M. Properties, L.L.C., to annex land generally located to the west of Greenwich Road, between 21st Street and 13th Street. (District II)

#### ORDINANCE NO. 46-896

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-06)

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## PLANNING AGENDA

Motion--  
--carried

Mayans moved that the Planning Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

**ZON2004-00024**

**ZON2004-00024-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND LIMITED COMMERCIAL TO LIMITED INDUSTRIAL. GENERALLY LOCATED NORTHEAST OF THE 347TH STREET SOUTH AND BROADWAY INTERSECTION. (DISTRICT III)**

Agenda Report No. 06-0208

On July 20, 2004, the Wichita City Council considered the above request. The action of the City Council was to approve, subject to platting within one year, and the provisions of Protective Overlay #142. On July 13, 2005, the applicant sought and received a six-month administrative platting extension, making the current platting deadline January 20, 2006. The applicant submitted a one-year plat extension request to planning staff on January 18, 2006. The applicant indicated in a letter that the plat has been submitted and approved by MAPD; the applicant is in the process of revising the plat drainage plan in response to a new FEMA Drainage Study. Therefore, the applicant requests an additional one-year platting extension. This platting extension request requires City Council approval.

Staff recommends that a one-year extension of time to complete platting requirements be granted to January 20, 2007. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Mayans moved that a one-year platting extension to January 20, 2007 be approved. Motion carried 7 to 0.

**CUP2002-00038**

**CUP2002-00038 (DP-67 AMENDMENT #5) AND ZON2002-00055-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR AN AMENDMENT TO THE NORTHBOROUGH COMMUNITY UNIT PLAN (CUP) AND A ZONE CHANGE FROM GENERAL OFFICE AND MULTI-FAMILY RESIDENTIAL TO OFFICE WAREHOUSE. GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND EAST OF WOODLAWN. (DISTRICT II)**

Agenda Report No. 06-0209

On January 7, 2003, the City Council approved an amendment to the Northborough Community Unit Plan and a zone change from "GO" General Office and "MF-18" Multi-Family Residential to "OW" Office Warehouse for approximately 47 acres located south of 21st Street North and east of Woodlawn. Approval was subject to the condition of platting the property within one year. Platting extensions granted by the City Council have extended the platting deadline to February 8, 2006. A submitted letter states that the agent for the applicant filed a plat for public hearing, and is proceeding to finalize the plat, to include resolving drainage issues. The applicant has requested a 120 day extension to complete platting by June 8, 2006.

Staff recommends that an extension of time to complete platting requirements be granted to June 8, 2006. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

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No legal documents are required to enact the granting of platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Mayans moved that the extension of time to complete platting to June 8, 2006 be approved.  
Motion carried 7 to 0.

**CUP2002-00039**

**CUP2002-00039 (DP-263) AND ZON2002-00057-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE WOODBOROUGH COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM SINGLE-FAMILY TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF ROCKHILL AND EAST OF WOODLAWN. (DISTRICT II)**

Agenda Report 06-0210

On February 4, 2003, the City Council approved the creation of DP-263 Woodborough Commercial CUP and a zone change from "SF-5" Single-Family to "LC" Limited Commercial on approximately seven acres generally located south of Rockhill and east of Woodlawn. Approval of the request was subject to the condition of platting the property within one year. Three platting extensions granted for this request have extended the platting deadline to February 8, 2006.

A plat of the property was approved by the Planning Commission on March 11, 2004, but the plat has not been completed.

The applicant indicates in a letter from their agent that platting the property has been delayed.

Therefore, the applicant has requested a 120-day platting extension with a new deadline of June 8, 2006.

Staff recommends that the requested extension be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Mayans moved that the extended platting deadline of June 8, 2006 be approved. Motion carried 7 to 0.

**CUP2003-00052**

**CUP2003-00052 (DP-268) AND ZON2003-00050-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE HOLLAND COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM SINGLE-FAMILY AND LIMITED COMMERCIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED NORTH OF KELLOGG AND WEST OF TYLER. (DISTRICT V)**

Agenda Report 06-0211

On December 16, 2003, the City Council approved the creation of DP-268 Holland Commercial CUP and a zone change from "SF-5" Single-Family and "LC" Limited Commercial to "GC" General Commercial on approximately 12 acres generally located north of Kellogg and west of Tyler. Approval of the request was subject to the condition of platting the property within one year. The applicant has received plat extensions through February 8, 2006. As the submitted letter indicates, a plat has been prepared, submitted to the planning department, and will be scheduled for hearing. The applicant requests a 120-day platting extension to June 8, 2006.



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Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Mayans moved that the extended platting deadline of June 8, 2006 be approved. Motion carried 7 to 0.

**VAC2005-00044**

**VAC2005-00044-REQUEST TO VACATE A UTILITY EASEMENT DEDICATED BY SEPARATE INSTRUMENT. GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF WEBB ROAD. (DISTRICT II)**

Agenda Report No. 06-0212

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting consideration for the vacation of a 20-foot utility easement dedicated by separate instrument (Film/Page 28589615) located on lots 4 and 5, Wilson Estates Medical Park 2nd Addition, Wichita, Sedgwick County, Kansas. The easement that will be vacated was dedicated and recorded as a condition for VAC2004-24. There are no utilities, manholes, sewer or water lines in the easement. The Wilson Estates Medical Park 2nd Addition was recorded with the Register of Deeds on January 8, 2004.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and an easement dedicated by separate instrument will be recorded with the Register of Deeds

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

**VAC2005-00049**

**VAC2005-00049-REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT. GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND WEST OF WEBB ROAD. (DISTRICT II)**

Agenda Report No. 06-0213

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting consideration for the vacation of the west 5-feet of the platted 20-foot utility easement located on Lot 17, Block 2, the Wilson Farms Second Addition. The applicant proposes to build a single-family residence on the site. There are no manholes, water or sewer lines or other utilities in the easement. The minimum width for an easement located in an interior side yard, per the Subdivision Regulations, is 10-feet. Per the Unified Zoning Code, the interior side yard setback for the "SF-5" zoning district is 6-feet. The 6-foot interior side yard setback remains in effect and an encroachment into it would require an Administrative Adjustment (20% reduction of the interior side yard setback) to remove the encroachment. The Wilson Farms Second Addition was recorded with the Register of Deeds on May 25, 2000.

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The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

**SUB2005-83**

**SUB2005-83-PLAT OF MARIE'S MEADOW NORTH ADDITION, LOCATED ON THE  
NORTHEAST CORNER OF 183RD STREET WEST AND PAWNEE. (COUNTY)**

Agenda Report No. 06-0214

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of 24 lots on 134.76 acres, is located within three miles of Wichita's city limits.  
This site is zoned RR, Rural Residential District.

The site has been approved by the County Code Enforcement for the use of on-site sanitary sewer and water facilities. An off-site Drainage Agreement has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The off-site Drainage Agreement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the document and plat be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

**SUB2005-55**

**SUB2005-55-PLAT OF MIDLAND BAPTIST CHURCH SECOND ADDITION, LOCATED  
EAST OF RIDGE ROAD AND ON THE SOUTH SIDE OF 45TH STREET NORTH.  
(COUNTY)**

Agenda Report 06-0215

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of one lot on 32.31 acres, is located within three miles of Wichita's city limits.  
This site is zoned SF-20, Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for future sewer and water improvements. The site has been approved by County Code Enforcement for the use of on-site sanitary sewer and water facilities. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the proposed reserves. As requested by County Engineering, a No-Protest Agreement for the future paving of 45th Street North has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petition, Restrictive Covenant and No-Protest Agreement will be recorded with the Register of Deeds.

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Motion--  
--carried

Mayans moved that the documents and plat be approved; necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 06-097

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90174 (east of Ridge, south of 45<sup>th</sup> Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-098

Resolution of findings of advisability and Resolution authorizing construction of Lateral 26, Main 19, Southwest Interceptor Sewer (east of Ridge, south of 45<sup>th</sup> Street North) 468-84154, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB20005-121

### **SUB2005-121-PLAT OF REED'S COVE FOURTH ADDITION, LOCATED ON THE EAST SIDE OF 127TH STREET EAST AND SOUTH OF 21ST STREET NORTH. (DISTRICT II)**

Agenda Report No. 06-0216

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 33 lots on 13.89 acres, is a replat of Lots 39 and 40, Block 1, Reed's Cove Addition. This site is zoned SF-5, Single-family Residential District and MF-18, Multi-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, water and sewer improvements. Since this is a replat of a previous addition involved with the ownership and maintenance of reserves for that addition, but not being replatted by this addition, a Restrictive Covenant was submitted to continue sharing in the ownership and maintenance responsibilities of any such previously platted reserves. The Restrictive Covenant also provides four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 06-099

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90173 (east of 127<sup>th</sup> Street East, south of 21<sup>st</sup>) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-100

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 14, Four Mile Creek Sewer (east of 127<sup>th</sup> Street East, south of 21<sup>st</sup>) 468-84153, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-101

Resolution of findings of advisability and Resolution authorizing constructing pavement on Churchill Circle from the south line of Lot 1, Block 2, to the south line of Lot 12, Block 2; paving Churchill Court, serving Lots 4 through 9, Block 2, from the south line of Churchill Circle to and including the cul-de-sac (east of 127<sup>th</sup> Street East, south of 21<sup>st</sup>) 472-84384, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

DED2006-04

### **DED2006-04-DEDICATION OF ACCESS CONTROL AND DED2006-05-DEDICATION OF STREET RIGHT-OF-WAY, FOR PROPERTY LOCATED EAST OF SENECA AND NORTH OF 47TH STREET SOUTH. (DISTRICT IV)**

Agenda Report No. 06-0217

The Dedications are associated with a lot split case (SUB 2004-154), and are being dedicated for ten feet of addition street right-of-way along Seneca and complete access control, except for one opening, along Seneca.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

SUB2005-98

### **SUB2005-98-PLAT OF CLIFTON HEIGHTS ADDITION, LOCATED EAST OF HILLSIDE AND ON THE NORTH SIDE OF 55TH STREET SOUTH. (DISTRICT III)**

Agenda Report No. 06-0218

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 178 lots on 78.3 acres, adjoins Wichita's city limits. Since annexation is a condition for approval of this plat, the corresponding annexation case (A06-05) is on the same agenda. After annexation, the site will be zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving, left-turn lane and drainage improvements. A Restrictive Covenant was submitted to create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for drainage purposes. This Covenant also provides four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. Since this site is located within the noise impact area of McConnell Air Force Base, an Avigational Easement and Restrictive Covenant were also submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Restrictive Covenants and Avigational Easement will be recorded with the Register of Deeds.

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Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 06-102

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90177 (east of Hillside, north of 55<sup>th</sup> Street South) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-103

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90178 (east of Hillside, north of 55<sup>th</sup> Street South) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-104

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90179 (east of Hillside, north of 55<sup>th</sup> Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-105

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90180 (east of Hillside, north of 55<sup>th</sup> Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-106

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90181 (east of Hillside, north of 55<sup>th</sup> Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-107

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 2, Boeing Sanitary Sewer (east of Hillside, north of 55<sup>th</sup> Street South) 468-84157, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-108

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 2, Boeing Sanitary Sewer (east of Hillside, north of 55<sup>th</sup> Street South) 468-84158, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-109

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 291 (east of Hillside, north of 55<sup>th</sup> Street South) 468-84159, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-110

Resolution of findings of advisability and Resolution authorizing construction of Main 2, Boeing Sanitary Sewer (east of Hillside, north of 55<sup>th</sup> Street South) 468-84162, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-111

Resolution of findings of advisability and Resolution authorizing constructing pavement on Bluff from the South Line of the Plat, north to the North Line of Lot 40, Block A, and on Bluff Ct. (Lots 15 through 29, Block A) from the west line of Bluff, west and south to and including the cul-de-sac and on Bluff Ct. (Lots 1 through 6, Block A) from the west line of Bluff, west to and including the cul-de-sac; on Bluff Ct. (Lots 5 through 11, Block B) from the east line of Bluff, east to and including the cul-de-sac; on Bluff Ct. (Lots 30 through 37, Block A) from the north line of Bluff Ct. north to and including the cul-de-sac and that sidewalk be constructed on Bluff (east of Hillside, north of 55<sup>th</sup> Street South) 472-84387, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-112

Resolution of findings of advisability and Resolution authorizing constructing pavement on Bluff from the north line of Lot 40, Block A, north to the south line of Maywood; on Maywood from the east line of Bluff, west to the west line of Lot 12, Block C, on Bluff, from the north line of Maywood, north to the south line of Lockwood; and on Lockwood from the east line of Bluff, west to the west line of Lot 69, Block B and on Maywood Ct. from the north line of Maywood, north to and including the cul-de-sac; and on Bluff Cir. From the east line of Bluff, east and north to and including the cul-de-sac and that sidewalk be constructed on Bluff, Maywood, and Lockwood (east of Hillside, north of 55<sup>th</sup> Street South) 472-84388, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-113

Resolution of findings of advisability and Resolution authorizing constructing pavement on Maywood from the west line of Lot 12, Block C, west to the west line of Yale, on Yale from the north line of Maywood, north to the south line of Lockwood, and on Lockwood from the west line of Lot 69, Block B, west to the west line of the Plat and on Maywood Cir. From the west line of Maywood, west to and including the cul-de-sac; on Yale Ct. from the east line of Yale, east to and including the cul-de-sac; and on Lockwood, Ct. from the south line of Lockwood, south to and including the cul-de-sac and that sidewalk be constructed on Maywood, Yale and Lockwood (east of Hillside, north of 55<sup>th</sup> Street South) 472-84389, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-114

Resolution of findings of advisability and Resolution authorizing constructing pavement a left turn lane on 55<sup>th</sup> Street South to serve Clifton Heights Addition (east of Hillside, north of 55<sup>th</sup> Street South) 472-84390, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-115

Resolution of findings of advisability and Resolution authorizing constructing pavement a left turn lane on Clifton Ave. to serve Clifton Heights Addition (east of Hillside, north of 55<sup>th</sup> Street South) 472-84391, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

**A06-05R**

### **A06-05R-REQUEST BY JAY RUSSELL OF JRD, LLC, TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF 55TH STREET AND K-15. (DISTRICT III)**

Agenda Report No. 06-0219

The City has received a request to annex 115.3 acres of land generally located northwest of the intersection of 55th Street and K-15, immediately south of the Oaklawn/Sunview Improvement District. The annexation area abuts the city of Wichita east of the Arkansas River. On November 3, 2005, the Metropolitan Area Planning Commission approved the Clifton Heights Final Plat for recommendation to the Wichita City Council to develop 178 single-family residential lots located east of Clifton Road. A condition of the Final Plat approval is annexation into the City of Wichita or a Sedgwick County rezoning approval. In addition, the developer is also anticipating a rezoning of adjacent property from "SF-5" Single-Family Residential to "LC" Limited Commercial, "GC" General Commercial and "MF-29" Multi-Family Residential.

**Land Use and Zoning:** The proposed annexation consists of approximately 115.3 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property to the north of the subject property is zoned "SF-20" Single-Family Residential and "LI" Limited Industrial, and consists of a mixture of vacant land and the Pinnacle Mobile Home Park. Property to the east and south is zoned "SF-20" Single-Family Residential and is currently vacant. The Arkansas River borders a portion of the subject property to the west, but land on the west side of the Arkansas River is currently developed and zoned as "SF-5" Single-Family Residential and "MH" Manufactured Housing.

**Comprehensive Plan:** The subject property falls within the 2030 Wichita Urban Growth Area, but the proposed residential use is not consistent with the land use designation of the 2030 Wichita Functional Land Use Guide of the Wichita-Sedgwick County Comprehensive Plan that has anticipated employment/industrial uses for the area east of Clifton.

The proposed residential use is also not consistent with the Oaklawn/Sunview Neighborhood Revitalization Plan, adopted on March 20, 2002, as an amendment to the Wichita-Sedgwick County Comprehensive Plan. The Oaklawn/Sunview Neighborhood Revitalization Plan recommends that no more 'new' single-family residential development occur within the Oaklawn/Sunview Neighborhood Revitalization Planning Area due to a combination of development constraints including floodplain issues, noise impact zones and accident potential zones. The Planning Area includes the entire proposed annexation property. In addition, the Plan specifically addresses the area east of Clifton, from Oaklawn Elementary School to 55th Street South, recommending warehousing and light manufacturing as an appropriate future land use in order to place very little demand for water and sewer services. However, the noise impact of the McConnell Air Force Base has been reduced since the Plan was adopted and could alter this recommendation.

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The subject property is also located within the Maximum Mission Area of the McConnell AFB, as identified in the McConnell AFB Joint Land Use Study, accepted by the Wichita City Council on May 13, 2005. The study recommends against residential development in the Maximum Mission Area for a two-year period, in order to maximize the future mission options for the base. An Implementation Committee with representatives from the City of Derby, the City of Wichita, Sedgwick County, McConnell AFB and other key stakeholders are evaluating the implications of implementing the proposed recommendations contained in the JLUS. The governing bodies have made no definite decisions as to which recommendations to implement at this time.

**Public Services:** The nearest water line is a 12" line located in Clifton, coming south from Oaklawn and ending near the north end of the subject property. There are also 8" public lines between the existing mobile home park and the subject property. There is also a 24" sewer main in Clifton that runs through the subject property.

**Street and Drainage System:** The subject property borders K-15 to the east and a portion of 55th Street to the south. In addition, Clifton Street runs through the middle of the subject property. K-15 is a paved, four-lane highway, while 55th Street and Clifton Street are both paved, two-lane roads. The 2006 Transportation Improvement Program, the City of Wichita Capital Improvement Program (CIP) 2005-2014 and the Sedgwick County Capital Improvement Program 2006-2010 do not call for street improvements near the proposed annexation site. The Sedgwick County Capital Improvement Program 2006-2010 has scheduled drainage improvements on the subject property, between Clifton and K-15 that will construct a channel to convey drainage from the bridge under K-15 to the existing channel west of Clifton.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 19, located at 4440 S. Broadway. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

**Parks:** Emery Park, a 30-acre park, is located approximately 2 miles to the northwest of the proposed annexation site and contains two tennis courts, a BMX track, a concession stand, a basketball court, a children's play area, a restroom, a drinking fountain and a parking area. Chapin Park, a 190-acre park, is located approximately 2 1/2 miles to the northwest from the proposed annexation site and is currently open space that is used by the Radio Control Club for model airplane flying. Palisade Park, a 5-acre park, is located approximately 2 miles to the west of the subject property and is an open space neighborhood park. South Lakes Park, a 250-acre park, is approximately 2 1/2 miles to the west of the proposed site and contains 16 soccer fields, 8 softball diamonds, 1 football field, 3 concession stands, 4 fishing lakes and 2 parking areas. In addition, the South Arkansas River Greenway, a 158-acre park, is approximately 2 miles to the south of the subject property and is undeveloped parkland along the Arkansas River. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the west edge of the proposed property along the Arkansas River. In addition, a potential future park site has been proposed on the west portion of the subject property.

**School District:** The subject property is part of the Unified School District 260 (Derby School District). Annexation will not change the school district.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$42,423 with a total assessed value of \$8,296. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$357 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that approximately 178 single-family housing units will be developed within the next five years. The total appraised value of this residential development after completion is estimated at \$14,240,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$51,430 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.



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Motion--  
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading.  
Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the plans laid over.  
(A06-06)

## AIRPORT AGENDA

Motion--  
--carried

Mayans moved that the Airport Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## **2006 FEE SCHEDULE**

## **2006 SCHEDULE OF FEES AND CHARGES AND RESOLUTION FOR AIRCRAFT USE OF WICHITA MID-CONTINENT AIRPORT.**

Agenda Report No. 06-0220

Annually the Wichita Airport Authority (WAA) adopts a Schedule of Fees and Charges and a Resolution to establish certain rates for aviation users of Mid-Continent Airport. The fees are calculated to maintain adequate revenue streams that will cover budgeted operating and capital costs incurred to support the related functions.

The landing fee and terminal space rent rate calculations are in accordance with the methodology established in the airline/airport use agreement and its application to the adopted budget. Other aviation use fees are set to reflect market price. Rates are established through resolution for those entities that do not hold agreements with the WAA at a higher rate to reflect the lack of fixed commitment. The proposed rates have been reviewed and approved by the Wichita Airport Advisory Board. Representatives from the signatory passenger carriers at Mid-Continent have also reviewed the rates and have agreed to those which apply to their operations.

The landing fee rate calculated for 2006 is 11% higher than the 2005 rate. The rate has not changed since 2004 so one-half of the increase is addressing escalations in payroll expenses, utilities, insurance costs, airfield pavement maintenance and fees paid to the City of Wichita that have occurred over a two-year period. The other one-half comes from a lower landing weight projection for the airlines. The average terminal rate is 4% higher than the prior year, which is attributable to some of the same expenditure changes. The rates included in the Schedule of Fees and Charges are expected to produce nearly \$5.5 million in revenues in 2006. The rate setting methodology for nearly 75% of those revenues is determined by lease agreements. The remainder of the use rates proposed are the same as 2005. All of the use rates can be altered at any time should that be necessary to recover costs. Rates will be retroactive to January 1, 2006.

Rates have been developed in accordance with Federal rates and charges regulations. The Resolution has been approved as to form by the Department of Law.

Motion--  
--carried

Mayans moved that the Schedule of Fees and Charges and the Resolution of the Wichita Airport Authority implementing a schedule of fees and charges for scheduled passenger airlines, all to be retroactively effective to January 1, 2006 be adopted. Motion carried 7 to 0.

## RESOLUTION NO. A-06-005

A Resolution of the Wichita Airport Authority adopting and implementing a schedule of fees and charges for passenger airlines, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## FAA MASTER SITE

### FAA MASTER SITE LEASE SUPPLEMENTAL NO. 11-MID-CONTINENT AIRPORT LEASE NUMBER DTFA09-90-L-10464.

Agenda Report No. 06-0221

The WAA has entered into Master Site Leases with the FAA for both Mid-Continent and Jabara Airports. These leases identify locations and types of equipment installed, monitored, and maintained by the FAA.

Supplement No. 11 deletes certain land rights for the Runway 19L Runway End Identifier Lights (REIL) and substitutes a new legal description for the Localizer. The equipment and foundations serving Runway 19 REIL have been removed and the site has been restored to its prior condition due to the installation of the Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR) system. The legal description has been modified to reflect its present location at the end of the extended runway resulting in an increase of the area utilized from 0.30 acres to 4.47 acres.

There are no monetary considerations.

The Supplement has been approved as to form by the Department of Law.

Motion--  
--carried

Mayans moved that the Supplemental Agreement No. 11 be approved and the necessary signatures authorized. Motion carried 7 to 0.

## MIDFIELD ROAD

### MIDFIELD ROAD SITE DEVELOPMENT, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 06-0222

On September May 3, 2005 the Wichita Airport Authority approved including the relocation of the rotation beacon as part of the Midfield Road Site Development project to comply with an agreement made for the new Honeywell development.

Utility Improvements are identified in the current Capital Improvement Program to accomplish this project.

In order to accept the construction bid, the capital project budget needs to be increased.

An increase of \$75,000 is requested, which will result in a total budget of \$975,000. The project will be paid for with General Obligation bonds paid with Airport Revenue, and funds from the Federal Aviation Administration, Airport Improvement Program.

The Law Department has approved the Authorizing Resolution as to legal form.

Motion--  
--carried

Mayans moved that the project budget be approved; the resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

### RESOLUTION NO. A-06-004

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## MARKETING

### AIRPORT MARKETING AGENCY OF RECORD.

Agenda Report No. 06-0223

It is the policy of the Wichita Airport Authority to fund marketing programs aimed at promoting the use of Wichita Mid-Continent Airport. Several years ago, the Wichita Airport Advisory Board voted in favor of implementing an airport advertising campaign to promote Mid-Continent Airport for use by regional air travelers. The Advisory Board also acknowledged the importance of increased passenger travel because it results in enhanced air service, business expansion, increased tourism, and other economic benefits to the community. It is critical to the success of Mid-Continent Airport that those in our catchment area be aware of these services and continues to utilize them for the betterment of the Airport. Effective marketing efforts should contribute to the growth of passengers using Mid-Continent Airport.

Airport staff and the City Marketing Director worked with the Purchasing Department to formalize an request for proposal process by area advertising and marketing firms interested in this project. After initial review, five (5) agencies were selected to do formal presentations to a selection committee. The selection committee included a representative of the City Council, Airport Advisory Board, Airport Staff, Marketing Director, Legal Department and Purchasing Director. The recommendation of that 9-member selection committee was to contract with Armstrong/Shank as the agency of record. A contract was developed for one-year, with two one year options for renewal.

Council will be asked to approve a financial amount once the agency and the Airport officials agree on the appropriate amount.

The agreement has been approved as to form by the Department of Law.

Motion--  
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## TRAVEL EXPENSE

### APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO MEET WITH STATE LEGISLATORS AND TO ATTEND KANSAS AVIATION INDUSTRY RECEPTION IN TOPEKA, MARCH 1, 2006.

Motion--carried

Mayans moved that the travel expenditures be approved. Motion carried 7 to 0.

\*\*\*Workshop followed in the First Floor Board Room\*\*\*

## RECESS

Motion--

Mayans moved that the City Council recess into Executive Session at 12:25 p.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: Pending Litigation, Legal Advice, Contract Negotiations, Preliminary discussions relating to the acquisition of real property for public purposes, and Confidential trade relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 1:30 p.m. and reconvene in the First Floor Board Room of City Hall. Motion carried 7 to 0.

-- carried

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**RECONVENE**

The City Council reconvened in the First Floor Board Room at 1:35 p.m.

Motion--carried

Mayans moved to extend the Executive Session until 1:45 p.m. Motion carried 7 to 0.

**RECONVENE**

The City Council reconvened in the First Floor Board Room at 1:48 p.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 1:48 p.m. to adjourn the Executive Session. Motion carried 4 to 0, (Fearey, Gray and Schlapp not present).

Motion--carried

Mayans moved at 1:49 p.m. to adjourn the Regular Meeting. Motion carried 4 to 0, (Fearey, Gray and Schlapp not present).

Adjournment

The City Council meeting adjourned at 1:49 p.m.

\*\*\*Workshop continued in the First Floor Board Room\*\*\*

Respectfully submitted,

Karen Sublett CMC  
City Clerk